


Entered - 08/06/04 - sb
CL - 04L0509 LISA CARTER

04-R -1705

CLAIM OF: LOLITA JUPITER
123 Kittrell Drive, SW
Atlanta, Georgia 30331

For damages alleged to have been sustained as a result of striking
a manhole on July 6, 2004 on Martin Luther King Boulevard and
Pryor Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/28/04

CHAIR: Clara Fincher

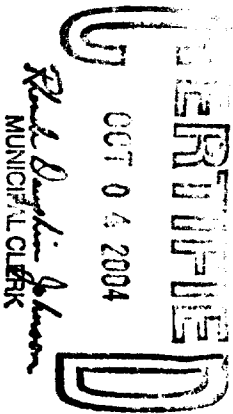
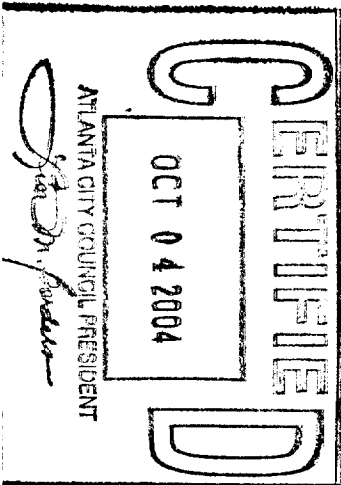
ADVERSED BY
CITY COUNCIL:

Mary Rowland

John Smith

James M. Sheperd

OCT 04 2004





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

October 8, 2004

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273**

Lolita Jupiter
123 Kittrell Drive, SW
Atlanta, GA 30331

04-R-1705

Dear Ms. Jupiter:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 04, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 6083
10/04/04
1:58 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588
 1589 1591 1592 1252 1254
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0509

Date: September 14, 2004

Claimant /Victim LOLITA JUPITER

BY: (Atty) (Ins. Co.) _____

Address: 123 Kittrell Drive, SW Atlanta, Georgia 30331

Subrogation: _____ Claim for Property damage \$ 82.44 Bodily Injury \$ _____

Date of Notice: 07/16/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/06/04 Place: Martin Luther King Boulevard and Pryor Street

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking a manhole on Martin Luther King Boulevard. However, an investigation determined that the manhole is the property of MCI WorldCom. The claimant has been advised to pursue her claim with MCI WorldCom.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 09/15/04

Committee Action: _____ Council Action _____

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418 2. 04-O-1441 3. 04-O-1565 4. 04-O-1567 5. 04-O-0438 6. 04-O-1507 7. 04-O-1559 8. 04-O-1572 9. 04-O-1582 10. 04-O-1728 11. 04-O-1732 12. 04-R-1655 13. 04-R-1421 14. 04-R-1668 15. 04-R-1719 16. 04-R-1487 17. 04-R-1624 18. 04-R-1673 19. 04-R-1674 20. 04-R-1675 21. 04-R-1491 22. 04-R-1659 23. 04-R-1660 24. 04-R-1661 25. 04-R-1662 26. 04-R-1663 27. 04-R-1664 28. 04-R-1665 29. 04-R-1613 30. 04-R-1676 31. 04-R-1677 32. 04-R-1678 33. 04-R-1679 34. 04-R-1680 35. 04-R-1681 36. 04-R-1682 37. 04-R-1718	38. 04-R-1683 39. 04-R-1684 40. 04-R-1685 41. 04-R-1686 42. 04-R-1687 43. 04-R-1688 44. 04-R-1689 45. 04-R-1690 46. 04-R-1691 47. 04-R-1692 48. 04-R-1693 49. 04-R-1694 50. 04-R-1695 51. 04-R-1696 52. 04-R-1697 53. 04-R-1698 54. 04-R-1699 55. 04-R-1700 56. 04-R-1701 57. 04-R-1702 58. 04-R-1703 59. 04-R-1704	60. 04-R-1705 61. 04-R-1706 62. 04-R-1707 63. 04-R-1708 64. 04-R-1709 65. 04-R-1710 66. 04-R-1711 67. 04-R-1712 68. 04-R-1713 69. 04-R-1714 70. 04-R-1715 71. 04-R-1716 72. 04-R-1717